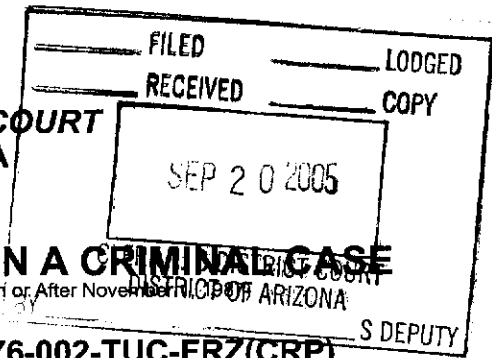


**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**



United States of America

v.

ERNEST ROGERS

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1990)

No. CR 03-01376-002-TUC-FRZ(CRP)

Rick Jones (Retained)
Attorney for Defendant

USM#: 09911-196

THE DEFENDANT ENTERED A PLEA OF guilty on 5/4/05 to Count 1 of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 21, USC §846 & §841(a)(1)&(b)(1)(C), Conspiracy to Possess with Intent to Distribute Less Than 100 Kilograms of Marijuana, a Class C Felony offense, as charged in Count 1 of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby placed on probation for a term of **TWELVE (12) MONTHS.**

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

*****IT IS FURTHER ORDERED THAT: PURSUANT TO THE PLEA AGREEMENT BETWEEN THE PARTIES THE DEFENDANT SHALL FORFEIT THE SUM OF NINETY-SIX THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS AND SEVENTY-THREE CENTS (\$96, 976.73) IN U.S CURRENCY TO THE GOVERNMENT WHICH CONSTITUTES PROPERTY INVOLVED IN OR TRACEABLE TO PROPERTY INVOLVED IN VIOLATIONS OF TITLE 31, USC §5332. REMAINING BALANCE OF \$ SHALL BE RETURNED TO THE ATTORNEY OF RECORD**

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$100.00 FINE: \$1,000.00 RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count 1 of the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties

on any unpaid balances.

IT IS ORDERED the bond in this matter shall be exonerated.

CONDITIONS OF SUPERVISION

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. Pursuant to 18 USC §3563(a)(5) and 3583(d) the defendant shall submit to one drug test within 15 days of release from imprisonment and such other periodic drug tests thereafter, as directed from time to time by the probation officer.

The defendant shall not possess a firearm, ammunition or other dangerous weapon as defined in 18 U.S.C. §921.

The defendant shall comply with the standard conditions of supervision adopted by this Court in General Order 04-11:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and at least two periodic substance abuse tests thereafter, pursuant

to 18 U.S.C. §§ 3563(a)(5) and 3583(d);

- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. You shall cooperate in the collection of DNA as directed by the Probation Officer.

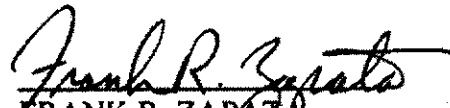
THE DEFENDANT PREVIOUSLY WAIVED THE RIGHT TO APPEAL.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

Date of Imposition of Sentence: **Tuesday, July 12, 2005**

DATED this 14th day of July, 2005.


FRANK R. ZAPATA
United States District Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on 7/12/05 to Ten Court at Tucson, Ar., the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

DAVID P. GONZALES

United States Marshal

By: 

Deputy Marshal

CC: USA/CNSL(Rick Jones)/PROB(1)/PTS/FIN/USM(2 certified)/ICE (1 certified)/Order Book

Lovelace, Rick (USMS)

From: 09AZXMAIL01a@uscmail.uscourts.gov
Sent: Wednesday, September 14, 2005 9:04 AM
To: AZ Tucson Courts (USMS)
Subject: Activity in Case 4:03-cr-01376-FRZ-CRP USA, et al v. Ortiz-Caballero, et al "Amended Judgment"

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U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was received from JKM, entered on 9/14/2005 at 8:53 AM MST and filed on 9/14/2005

Case Name:	USA, et al v. Ortiz-Caballero, et al
Case Number:	4:03-cr-1376
Filer:	
Document Number:	308

Docket Text:

AMENDED JUDGMENT as to Jose Luis Soto (8), Count(s) 1, dft BOP 60 mo, credit for time served, sup rel 5 years, Court recommends dft BOP Drug Abuse Treatment Program, Court recommends dft be placed FCI-Lompoc, California or at FCI-Florence, Colorado, s/a \$100.00,

Fine: Waived . Signed by Judge Frank R Zapata on 9/8/05. (JKM,)

The following document(s) are associated with this transaction:

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| Document description:Main Document  
| Original filename:n/a  
| Electronic document Stamp:  
| [STAMP dcecfStamp_ID=1096393563  
| [Date=9/14/2005] [FileNumber=177518-0]  
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| 7eb6cfa4b5ac713]]  
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4:03-cr-1376-8 Notice will be electronically mailed to:

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4:03-cr-1376-8 Notice will be delivered by other means to:

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Pima County Public Defender's Office
32 N Stone Ave
4th Floor
Tucson, AZ 85701-1406